



April 6, 2007
Submission via *ECFS Express*

The Alliance for College-Ready Public Schools
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Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743
Telephone: 1-888-225-5322
Email: mailto:fccinfo@fcc.gov
Hours: 8AM - 5:30PM ET

SUBJECT: Request for Review of USAC Decision Dated 2/5/2007

CC DOCKET NO. REFERENCES: 02-6, 96-45

APPLICANT'S BILLED ENTITY NAME: The Alliance for College-Ready Public Schools

APPLICANT'S BILLED ENTITY NUMBER: 16028461

Dear Ms. Dortch,

We hereby formally request that the Federal Communications Commission review and reverse the attached USAC letter dated 2/5/2007, denying the applicant's appeal of SLD's prior denial of all funding for Form 471 #533112, for funding year 2006-2007. Specifically, we ask that the FCC direct the Schools and Libraries Division of USAC to resume processing our application for Priority 1 discounts, for Funding Request Numbers 1482663 (Telepacific) and 1483054 (Sprint) on this application.² The applicant maintains that USAC/SLD erred in its original denial of this application and then compounded its error by denial of the appeal. These errors undermine the

¹ Email to erate.laalliance@learningtech.org is our preferred mode of interaction.

² We hereby waive further appeal on FRN 1483209 (Gaggle) and on Form 471 #533143 (Internal Connections), because the applicant did not receive the corresponding services.

fundamental purposes and spirit of the E-Rate program, without, in any way, reducing the risks of fraud, waste or abuse; and in so acting, USAC/SLD needlessly harms the education of hundreds of students attending schools qualifying for the highest levels of discount allowed by this funding mechanism.

The original application was denied funding on the grounds that the applicant is a consortium and that the applicant's Consortium Letters of Agency were open-ended as to the time period. The applicant's original Appeal to USAC countered as follows:

1. Due to the nature of the entity, a 501(c)(3) Charter Management Organization with the exact same authorized signer, Parker Hudnut, Chief Operating Officer, for every member entity, Consortium Letters of Agency should not have been necessary in the first place. The SLD web site clearly states that it is sufficient to provide "some other proof that each consortium member knew it was represented on the application." The nature of the organization, as well as the fact that each Letter of Agency was signed by the exact same person, clearly qualifies as such proof.
2. The applicant had contacted the Help Desk and obtained a Case Number (21-406026), relating to other forms required by the SLD, that – due to the nature of this consortium, with the same person being the authorized signer for every member – clearly implied that Consortium LOAs were not really necessary for this entity.
3. When the Letters of Agency were provided to the SLD reviewer, he allowed several other clerical/ministerial errors to be corrected. In doing so, but then denying funding, the reviewer clearly operated in bad faith and in violation of the spirit of the program, by neglecting to mention that he also noticed a problem regarding the time duration allowed by the provided LOAs. As with the other corrections which were allowed, any reviewer trying to operate in the spirit of the program – helping honest applicants who are diligently trying to comply with the rather complex rules of the funding mechanism, in the best interest of our nation's students, while preventing fraud, waste and abuse – could easily have pointed out this problem, and required the applicant to make the necessary corrections, with initials by the authorized signers.

The applicant does not deny that a clerical/ministerial error was made in the wording of these LOA documents. Certainly this unfortunate sequence of events could have been avoided had the applicant and its consultants implemented perfectly worded Consortium LOAs in the first place, even though such extra documentation seemed completely superfluous and utterly ludicrous to prepare at all. Miller Institute, the E-Rate consulting firm, had been concerned that requiring the applicant to execute such groups of identical and seemingly redundant documents, year after year, would appear to be "make work," wasteful of expensive consulting labor and school resources. The intent of the E-Rate funding mechanism was never to create such complexity and bureaucracy that schools would need to spend significant fractions of their discounts to pay consultants to wade through elaborate labyrinths of rules and regulations! In light of the nature of the applicant's organization – where there could be absolutely no doubt that Parker Hudnut *knew* that Parker Hudnut was applying for E-Rate on behalf of each school entity for which Parker Hudnut was the authorized signer – a simplified, "safety net" form of LOA was adopted.

In the course of doing so, it only seemed logical to try to simplify matters for future years, by wording them as “once and for all” documents, accidentally overlooking the “limited scope” requirement. This was not an attempt at fraud, waste, or abuse, nor some sort of deliberate attempt to avoid compliance with program rules. Had the reviewer chosen to allow a ministerial correction of these LOAs, or admitted that LOAs were indeed superfluous here, anyway, in light of the “other proof that the applicant knew it was included on the application” test, only good could have come from the exercise of such common sense and judgment.

The applicant’s “Charter Management” 501(c)(3) type of school organization is new to the E-Rate landscape and sufficiently different from, say, a Consortium of Districts and Libraries, that the requirement to limit the scope of LOAs was simply overlooked in preparing this rather pointless documentation. A clerical/ministerial error was admittedly made, but it was on a set of documents that should never have been called for in the first place. Next, Bishop-Perry and similar FCC orders calling for USAC/SLD to implement the program rules in a fair and reasonable manner, completely fell by the wayside. USAC/SLD’s approach to interpreting FCC rulings such as Bishop-Perry appears to be, “anything that is not expressly required, as far as being reasonable in dealing with school applicants, is forbidden.” This literal-minded, “guilty until proven innocent” approach is hardly in the spirit of the program or the best interests of our nation. FCC once again needs to direct USAC/SLD to apply common sense and good judgment, while continuing to ensure that there is no fraud, waste or abuse, so as to help our schools to comply with the rules and to receive this desperately needed funding for telecommunications and related services.

There is considerable precedent to overturn this denial. The most obvious is, of course, Bishop-Perry, which states:

As we recently noted, many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated, resulting in a significant number of applications for E-rate support being denied for ministerial, clerical or procedural errors. We find that the actions we take here to provide relief from these types of errors in the application process will promote the statutory requirements of section 254(h) of the Communications Act of 1934, as amended (the Act), by helping to ensure that eligible schools and libraries actually obtain access to discounted telecommunications and information services. In particular, we believe that by directing USAC to modify certain application processing procedures and granting a limited waiver of our application filing rules, we will provide for a more effective application processing system that will ensure eligible schools and libraries will be able to realize the intended benefits of the E-rate program as we consider additional steps to reform and improve the E-rate program.

There are other FCC decisions that also argue for granting our Request for Review, based on the intent of the program and the guidance already provided to USAC/SLD by the FCC. For example, in its Naperville Ruling, released 2/27/2001, FCC states:

10. After considering the totality of the circumstances, we grant Naperville’s Request for Review. As described below, we believe as a general matter that minimum processing standards can serve the important purpose of minimizing the administrative costs of the program. Notwithstanding that fact, however, we conclude that the omission of a response to Item 22 does not merit return of Naperville’s entire application under the totality of the circumstances presented here. Specific factors that weigh against such return in this instance include the possible confusion resulting

from the redesign of the FCC Form 471 and its impact on the minimum processing standards; the specific request at issue was new to the application; the information omitted in Item 22 is easily discerned from the remainder of Naperville's FCC Form 471; and the substantial completeness of the remainder of Naperville's FCC Form 471.

Paragraph 13 of this ruling is perhaps most on point for the current case, in that, like in Naperville, SLD could easily have inferred that all entities in the Alliance consortium were aware that they were being included on the Form 471 application, since they could see from the documentation provided that the authorized signer was in fact the same human person in every instance – a fact “readily available and easily discernable ...”

13. Furthermore, we find from our review of the record that SLD reasonably could have easily discerned the information omitted in Item 22 in this application from the other information in the application. After reviewing Naperville's FCC Form 471, we find that Blocks 4 and 5 of Naperville's application provided the necessary information for SLD to conclude with reasonable certainty what the omitted response to Item 22 was without requiring a detailed review of the application. First, on Block 4, Naperville indicated that all schools in the district would be receiving the same shared services, and that there were no requests for different shared services for different groups of schools.³⁵ Accordingly, if the funding request on Block 5 was for shared services—which SLD could have determined from Naperville's response to Item 23j on Block 33 47 C.F.R. § 54.715(c).³⁴ SLD redesigned the FCC Form 471 in Year 3 to better isolate information important to the processing of funding requests. The form used in prior years invited responses that often did not permit complete review of the underlying funding requests without substantial additional analysis by SLD reviewers or contact with the applicant for further information. The new form, when properly completed, greatly reduces this work as compared to the form used in Years 1 and 2 because more aspects of the review may be automated and fewer requests for additional information from applicants are necessary... For these reasons, SLD could have easily determined that the only response on Naperville's Item 22 would have been to refer to the only attached Block 4 worksheet. In these circumstances, completing Item 22 required merely the ministerial act of repeating a fact readily available and easily discernable elsewhere in the application.

Additional precedent can be found in the FCC's ruling on a Request for Review by the Tri-River Educational Computer Association of Marion Ohio, released March 9, 2007:

1. In this Order, we grant the request for review filed by the Tri-River Educational Computer Association (TRECA) of a decision by the Universal Service Administrative Company (USAC) that denied TRECA funding from the schools and libraries universal service support mechanism because USAC determined that TRECA failed to provide evidence of its authority to represent its consortium members. We remand the underlying application to USAC for action consistent with this Order, and, to ensure that it is resolved expeditiously, we direct USAC to issue an award or a denial based on a complete review and analysis no later than 60 days from release of this Order.

Later in the above ruling, the FCC describes various circumstances in which other evidence that the members of a consortium knew that they were included in an E-Rate application can suffice in lieu of a Consortium LOA.

Similarly, in its ruling on a Request for Review filed by Glendale Unified School District, dated 2/1/2006, the FCC noted that it can and does “waive any provision of its rules on its own motion ... when strict compliance [would be] inconsistent with the public interest.” In the current case, funding has been denied to a deserving and needy school organization that serves some of the poorest students in our nation, for no good reason beyond the USAC/SLD reviewer’s desire to assert his authority to deny funding over what is at best a harmless technicality.

In its denial of the applicant’s original USAC/SLD-level Appeal, the SLD claimed that the applicant failed to provide evidence and certifications of its authority to file FCC Forms 471 and to order Telecommunications Services on behalf of the members of the consortium. To the contrary, every form of documentation requested by the SLD was provided, and, in particular, the Letters of Agency and Form 471 both contain sworn statements to this effect, and the SLD had previously examined copies of signed contracts ordering such services on behalf of every entity, executed by Parker Hudnut. The fact that the dates covered by the documentation extended to future years does not change the fact that the statements were true, and certified as true, at the time submitted and at the time of the Appeal. The applicant’s right to provide new information and supporting documentation (so long as it does not contradict information already in evidence) – such as that the same person is the authorized signer for every entity involved— was affirmed in the FCC’s granting of a Request for Review by Shawano-Gresham School District released on 2/6/2004.

Although other precedents could possibly be cited, we close with one final example. In a Request for Review by Project Interconnect, released 7/11/2001, the FCC partially overturned the SLD’s denial of funding in a case relating to Consortium Letters of Agency. In this case, there actually were a few members who were unaware that they were part of the consortium; and FCC ruled that SLD acted correctly in denying funding to those members. However, it reversed the SLD’s decision to deny funding to the entire consortium simply due to an error involving only a small number of members. What is most relevant to this particular case is that, when the existing “Letters of Participation” were found to be inadequate documentation of the consortium leader’s right to act on behalf of the other members, the SLD reviewer required new Letters of Agency to be provided, correcting the deficiencies. Then, those letters of agency were subsequently found by FCC to be adequate documentation to reverse the denial for the majority of consortium members who had in fact been aware of their participation, noting:

... we find that Project Interconnect substantially complied with SLD’s request by obtaining Letters of Agency from the vast majority of its member school districts in a timely fashion. We conclude that to deny the entire application under these circumstances would unfairly penalize the entire consortium where only a few members of the consortium failed to produce the requested documentation. Further, it would tend to make applicants reluctant to risk applying as consortia, in contravention to the Commission’s stated desire to “encourage schools and libraries to aggregate their demand with others to create a consortium with sufficient demand to attract competitors and thereby negotiate lower rates ...

In light of these facts and precedents, we urge the FCC to grant our Request for Review and direct USAC/SLD to resume processing of the applicant’s Priority 1 Form 471 application for 2006-2007. Doing so serves the best interests of our nation, by not denying access to essential telecommunications services over innocent, trivial, ministerial errors in the application process

and by reaffirming that common sense and good judgment should be the criteria to apply when interpreting the rules of this extremely valuable but complex funding mechanism.

In preparing this Request for Review, The Miller Institute for Learning with Technology has relied upon information provided to us by The Alliance for College-Ready Public Schools. We appreciate the efforts of the FCC to ensure access to telecommunications and related technologies for all the schools in our nation.

Respectfully submitted,



Mark L. Miller, Ph.D.

The Miller Institute for Learning with Technology
E-Rate Consultant to Applicant

Consultant Letter of Agency on File at USAC

Attachments:

- Copy of 2/5/2007 Letter from USAC Denying Appeal
- Copy of Relevant Pages from 10/13/2006 Appeal to USAC
- Copy of Form 471 #533112

Original submitted using *ECFS Express*

Backup copy sent via express courier service



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

February 05, 2007

Parker Hudnut
Alliance For College-Ready Public Schools
523 West 6th Street, Suite 1234
Los Angeles, CA 90014

Re: Applicant Name: ALLIANCE FOR COLLEGE-READY
PUBLIC SCHOOLS
Billed Entity Number: 16028461
Form 471 Application Number: 533112
Funding Request Number(s): 1482663, 1483054, 1483209
Your Correspondence Dated: October 13, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1482663, 1483054, 1483209
Decision on Appeal: **Denied**
Explanation:

- During the Appeal review, USAC thoroughly assessed the facts presented in the appeal letter, the relevant documentation on file, and the FCC Rules and Procedures before making its determination on your appeal. The record shows that you filed your Form 471 application as a Consortium. During Program Integrity Assurance (PIA), PIA requested the consortium leader to provide copies of documentation that confirms Alliance For College-Ready Public Schools authorization to represent all of the entities featured on the Form 471. The record also shows that Alliance For College-Ready Public Schools submitted Letters of Agency (LOA) as evidence that establishes their authorization to represent all of the entities featured on the Form 471. The Schools and Libraries Support Mechanism requires that LOAs must contain the following information: The

specific timeframe the LOA or authorizing document covers. Since 100% of the LOAs Alliance For College-Ready Public Schools provided did not meet this guideline, the LOAs cannot be accepted as valid documentation to support the requested discount. Program rules do not permit USAC to accept new information on appeal except where an applicant was not given an opportunity to provide information during the initial review, or when an error was made by USAC. On appeal, you have failed to provide any evidence that USAC has erred in its initial decision. Consequently, your appeal is denied.

- You failed to provide evidence of your authority to file FCC Forms 471 on behalf of, or evidence of, the membership of all the members included in this consortium. FCC Rules require that the Form 471 shall be signed by the person authorized to order telecommunications and other supported services for the eligible schools or libraries or the consortium. The Form 471 shall include that person's various certifications under oath, submitted on behalf of eligible entities applying for discounts. 47 C.F.R. sec. 54.504 (c)(1). During the course of the application review, USAC may seek documentation to confirm the consortium leader's authorization to represent all entities in the application, proof of each entity's membership in the consortium and their knowledge of filing of the applicable Form(s) 471 on their behalf. The FCC has affirmed USAC's authority to require consortia leaders to produce Letters of Agency from each of its members expressly authorizing the consortium leader to submit an application on its behalf. See Request for Review by Project Interconnect, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., CC Docket Nos. 96-45 and 97-21, Order, DA 01-1620 paras. 8-9 (rel. Jul. 11, 2001) See Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 at Item 33.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

**Senior Management**

Judy Burton, President & CEO

Board of DirectorsFrank E. Baxter, Board Chair
Jeffries & Company (retired)Harold Williams, Board Vice Chair
The J. Paul Getty TrustMaria A. Casillas
Families in SchoolsAnne Douglas
The Bryna CompanyDavid I. Fisher
Capital Group InternationalPaul Hudson
Broadway FederalDan Katzir
Broad FoundationStewart Kwok
Asian Pacific American Legal CenterArthur Levine
Levine Leichtman Capital PartnersBernard J. Luskin
Luskin InternationalRichard Merkin, M.D.
Heritage Provider NetworkNeal Millard
White & CaseGayle Miller
Ann Klein '11 (retired)Theodore R. Mitchell
Occidental CollegeMolly Munger
English, Rice & MungerWilliam G. Ouchi
The Anderson School, UCI ATony Ressler
Ares Management LLCRichard Riordan
California Secretary of EducationVirgil Roberts
Babbitt & RobertsJames M. Rosser
California State University, LACaprice Young
California Charter Schools
Association**Senior Advisors**Robert Erburu
Times Mirror Company (retired)Antonia Hernandez
California Community FoundationMonica Lozano
La OpiniónRobert E. Wykoff
Arco (retired)

October 13, 2006

Universal Service Administrative Company
Letter of Appeal
Schools and Libraries Program
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

SUBJECT: Letter of Appeal for FCDLs dated 8/15/06, for Forms 471 #533143 and #533122

Dear USAC Appeals Department:

The Alliance for College-Ready Public Schools respectfully submits this formal appeal of recent decisions by the SLD to deny all funding for all FRNs on our two aforementioned Form 471 applications for Funding Year 2006-2007. This is a *formal appeal* as further detailed in the following pages. The organization of this document follows the official SLD guidelines for a *Letter of Appeal*, plus supporting attachments including copies of the two FCDLs in question.

Our applications were prepared and submitted in compliance with all of the rules of the E-Rate program. We hereby request that SLD reverse this unfair denial and resume processing our two applications. The decision to deny our funding was incorrect, for at least three reasons: (1) a rule relating to letters of agency for consortium members was improperly applied to a Charter School Management organization, in a manner that defies logic and common sense; (2) a Help Desk Case Number had been obtained corroborating that this rule was inapplicable to our situation; (3) the overly strict interpretation of this rule by a P.I.A. reviewer directly contradicts the intent and spirit of the Bishop Perry order. Deserving schools that have done nothing improper are being denied funding, based on a technicality that should not have applied in the first place and could certainly have been easily corrected. Moreover, these schools serve some of the most needy students in our nation, many of whom lack even rudimentary technology access at home. This denial undermines the essential purpose of the E-Rate program. Unfortunately, such occasional poor decisions have caused some educators to become cynical about participating in the E-Rate program, despite the tremendous benefits they could realize for their students.

In the following pages, we provide detailed support for this appeal, organized in the required format. Thank you for considering our appeal and for your efforts to ensure that all children in our country have access to modern telecommunications and technology resources. We trust in your wisdom to reverse these two unfounded, misguided, and unjust 471 application denials.

Respectfully submitted this 13th day of October 2006,

Parker Hudnut, Chief Operating Officer (Authorized Official)
Alliance for College-Ready Public Schools

(LETTERHEAD)

October 13, 2006

Universal Service Administrative Company
Letter of Appeal
Schools and Libraries Program
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

SUBJECT: Letter of Appeal for FCDLs dated 8/15/06, for Forms 471 #533143 and #533122

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The Alliance for College-Ready Public Schools respectfully submits this formal appeal of recent decisions by the SLD to deny all funding for all FRNs on our two aforementioned Form 471 applications for Funding Year 2006-2007. This is a ***formal appeal*** as further detailed in the following pages. The organization of this document follows the official SLD guidelines for a ***Letter of Appeal***, plus supporting attachments including copies of the two FCDLs in question.

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Respectfully submitted this 13th day of October 2006,

*Parker Hudnut, Chief Operating Officer (Authorized Official)
Alliance for College-Ready Public Schools*

Letter of Appeal for FCDLs dated 8/15/06, for Forms 471 #533143 and #533122

Detailed Documentation
Alliance for College-Ready Public Schools
October 13, 2006

1. Write and mail your letter to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 S. Jefferson Rd
P.O. Box 902
Whippany, NJ 07981

Appeals may also be submitted electronically, either by electronic mail (e-mail) or by fax.

Appeals submitted by e-mail must be sent to appeals@sl.universalservice.org using your organization's e-mail account. Appeals submitted by e-mail will be considered "postmarked" on a business day if they are sent from the sender's computer at any time up to 12:00 a.m. (midnight) in the sender's local time zone. Appeals submitted after that time will be considered "postmarked" on the next business day.

Documents submitted by e-mail can be in any widely used word processing format, such as Adobe Portable Document Format (PDF), Microsoft Word, or WordPerfect. USAC will automatically reply to incoming e-mails to confirm receipt. You are advised to keep a copy of this e-mail confirmation for your records. This e-mail address can only be used for appeals.

Appeals submitted by fax must be sent to [1-973-599-6542](tel:1-973-599-6542). The fax transmission should include a cover sheet listing contact name, phone number, and - if available - an e-mail address. Fax transmissions will be considered "postmarked" on a business day if the complete transmission is sent from the sender's fax machine by any time up to 12:00 a.m. (midnight) in the sender's local time zone. Appeals submitted after that time will be considered "postmarked" on the next business day. You are advised to keep a copy of your fax confirmation sheet for your records.

2. Provide detailed contact information.

Applicant Name:	Alliance For College-Ready Public Schools
Applicant BEN:	16028461
Authorized Person:	Parker Hudnut
Title of Authorized person:	Chief Operating Officer
Street Address:	523 West 6th Street, Suite 1234 Los Angeles, CA 90014
Telephone number:	213-943-4930
Fax number:	866-801-8667
E-mail:	erate.laal@learningtech.org
Authorized Consultants:	The Miller Institute for Learning with Technology Mark L. Miller or Don Peck (LOA on file)
Preferred method of contact:	E-mail

3. Identify which USAC action you are appealing. Note the title of the document containing the USAC action you are appealing, the relevant Funding Year, and the date of the document. State that your letter is an "appeal."

This letter is an appeal of two related Funding Commitment Decision Letters (for Forms 471 #533143 and #533122), both dated 8/15/2006, for Funding Year 2006-2007, issued by the SLD to the Alliance for College-Ready Public Schools. Copies of these two FCDLs are attached.

The specific action being appealed is the denial of all funding on every FRN. The stated reason for funding denial, in every case, was that "a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not cover the current funding year." Our justification for challenging these denials is detailed in the appropriate section below.

4. Your letter of appeal must also include the Billed Entity Name, the relevant form application number (if available), and the Billed Entity Number

Billed Entity Name:	Alliance for College-Ready Public Schools
Billed Entity Number:	16028461
Form Application Numbers:	Forms 471, #533143 and #533122

5. Explain your appeal and include copies of all relevant documentation. Please provide as much detailed information as possible. When explaining your appeal, copy the language or text from the decision that is at the heart of your appeal to allow USAC to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.

To our shock and dismay—after diligently following the rules of the E-Rate program—all funding for every FRN was denied by the two FCDLs being appealed here. The stated reason for funding denial, in every case, was that "a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not cover the current funding year." There are at least three compelling reasons why this statement is both false and unfair as a basis for denial of these two Form 471 applications. First, it will be necessary to clarify exactly what was meant by the statement that "a substantial number of the Letters of Agency or other documentation authorizing the filing of the form 471 did not cover the current funding year," since in any common sense interpretation it is not even true and was baffling to the school and its consultants.

During the 2-3 days immediately following the issuance of these two FCDLs, the consultants for ACRPS made multiple attempts to contact the SLD to understand both the reasoning behind the seemingly false statement and the resultant denial of funding. In addition to the Help Desk, we spoke with Mr. Douglas May, the P.I.A. reviewer responsible for this decision. It was explained to us that:

- (a) the phrase "or other documentation" is just "boilerplate" and did not actually apply to this situation;

- (b) the concern was specifically with the Letters of Agency that had been provided upon request during P.I.A.
- (c) the issue was *not* that they did not cover the current funding year, but that they were “open-ended” and covered too many other funding years, in addition to the current funding year.

There are at least three compelling reasons why this denial should be overturned.

1. The first and foremost is that *Consortium Letters of Agency should not have been required at all in the case of this unusual entity*. Here is why.

The Alliance for College-Ready Public Schools [ACRPS] is a nonprofit Charter Management Organization whose mission is to open and operate a network of excellent small high-performing 9-12 and 6-8 public schools, in historically underachieving, low income, overcrowded communities in Los Angeles that will significantly outperform other public schools in preparing students to enter and succeed in college. As such, ACRPS has established successful and replicable models for middle schools and high schools. Each new school that is opened follows the successful pattern of the existing schools and is centrally managed by the CMO. No such organizations even existed at the time that the E-Rate program rules were being devised. CMOs operate much like a small school district. It is only because of their novelty relative to the structures contemplated in the early days of the SLD that CMOs must apply for E-Rate using the “consortium” model. Unlike the sort of “consortium” of somewhat-unlike entities probably envisioned by designers of the program, the authorized signer for every member school in a CMO is typically the same individual, usually the Chief Operating Officer or Chief Business Official. *In the case of ACRPS, Mr. Parker Hudnut is the Authorized Signer for the “consortium” and is also the Authorized Signer for each individual school in the organization.*

The SLD web site clearly states (highlighting added):

In certain situations, other documentation may be accepted as proof of authorization. For example, for consortium applications, the consortium lead member must either collect Letters of Agency from each consortium member or be able to **provide some other proof that each consortium member knew it was represented on the application**. Consortia which have a statutory or regulatory basis and for which participation by schools or libraries is mandatory must be able to provide documentation supporting this certification, including copies of the relevant state statute or regulation.

Since the Authorized Signer for each consortium member of ACRPS is the exact same individual, Mr. Parker Hudnut, logic and common sense overwhelmingly prove the conclusion that he knew that each school was represented on the application. Letters of Agency should not have been required at all.

Nevertheless, in a spirit of “keeping your pants up using both belt and suspenders,” Parker Hudnut actually went through the seemingly ridiculous exercise of writing a “letter to himself” for each billed entity participating in the “consortium” (i.e., all the schools in the CMO). Because it seemed patently absurd to do this at all, ACRPS attempted to “take care of it once and for all,” writing the letters to cover “all funding years” (not noticing the other wording on the SLD web site disallowing this). This unfortunate wording—an attempt to avoid wasting time on silliness year after year--on *letters that should never have been needed at all*, was the entire basis for a devastating

denial of funding. A sample Letter of Agency, as reviewed by P.I.A., is attached.

2. The applicant's consultant had obtained a Case Number from the Help Desk, relating to another form, wherein the advice clearly implied, as a 1-step inference, that the Letters of Agency were actually entirely unnecessary--as believed by the applicant from the beginning--due to the unusual nature of this Charter Management Organization.

Specifically, in case #21-406026, on April 11, 2006, Dr. Mark Miller, consultant to ACRPS, spoke with Mr. John Keim at 2:25 PDT regarding whether it was necessary for each school in the CMO (each "member" of the "consortium") to execute a Form 479 and check the corresponding box on a Form 486. Mr. Keim indicated that, since the Authorized Signer would be the same in every case (i.e., Mr. Parker Hudnut), it was indeed "silly" to sign N identical agreements with oneself. He stated that, so long as the schools were indeed compliant with CIPA, and that the Authorized Signer for the CMO was indeed authorized to certify this for each of the entities, it would not be necessary to execute N identical Form 479s. This is the exact same line of reasoning and common sense described in our Reason #1 above, with a Case Number to back it up.

3. Even if one were to take the illogical position that N "Letters of Agency to Oneself" are necessary, in order to be sure that one knows what oneself is doing, when the same person is the Authorized Signer in every case, and even acknowledging that the SLD web site does state that such letters should be limited to a few years at a time, then correcting this problem with the Letters of Agency that were submitted *surely* should be considered a ministerial, clerical or procedural error -- intended to be covered by the Bishop Perry order. Ironically, there were in fact *other* ministerial errors on one or two of the LOAs, as first submitted to P.I.A. In particular, there was a date shown in December 2006, which of course could not have been correct; it had been intended to be December 2005. (How often has each of us written the wrong year on a personal check, in December or January?) Moreover, the applicant *was allowed* to correct those LOAs, by crossing out the error, writing in the correct date, and initialing. Fixing a simple, honest error of this sort is in the spirit of the program—as emphasized by the Bishop Perry order—and enables struggling schools to participate in a complex program without the fear of dire consequences for a minor error. To err is human, but the costs involved in applying (writing a Tech Plan, using consultants, going through extensive P.I.A.) can make E-Rate a high risk gamble, for schools that can least afford it, when such a minor error might result in denial). The rules are there to prevent fraud, waste, and abuse – not to establish an adversarial relationship where schools are treated like criminals (simply because they applied for funding but made a small mistake while sincerely trying to comply with the rules of the program). How hard would it have been for Mr. May to say to the applicant's consultants: "I noticed a problem with those Letters of Agency – they are not supposed to be open-ended – please cross out the phrase 'all years' and write in 'Funding Year 2006-2007' and then have the Authorized Signer initial the correction?" With just a little common sense, and the goal to actually help deserving schools access needed resources, all of this pain could have been avoided. Rather than taking the narrow and unhelpful view that this might not have been one of the specifically enumerated examples of ministerial errors thought of and included when drafting the Bishop Perry order, we urge USAC to take the view that this is **PRECISELY** the sort of hair-splitting, unjust denial that that order was trying to eliminate. The intent of the program is to ensure that the most needy schools, so long as they comply with the key elements of the E-Rate program

(such as competitive bidding), *can* obtain crucial resources. E-Rate has done wonderful things for education: something like 98% of K-12 schools in the U.S. now have Internet access -- and E-Rate deserves most of the credit for that. It is a tragedy and a gross miscarriage of justice to deny funding to the poorest of the poor, because of two or three ill-considered words on a form that clearly should not even have been applicable in the first place! There is no fraud, waste, or abuse here. These *are* the kids who were born on the wrong side of the digital divide. Please reverse this denial and change their lives.

6. Provide an authorized signature on your letter of appeal when you file your appeal by mail, by express delivery service, by hand delivery, or by facsimile. When you file your appeal, you must include the name, title, telephone number, and e-mail, if available, of the authorized person.

The first page of this letter of appeal provides the authorized signature of Parker Hudnut, Chief Operating Officer, Alliance for College-Ready Public Schools. All of the requested contact information has been provided under Question #2 above.

Attachments:

- Two Funding Commitment Decision Letters dated 8/15/06
- Sample Consortium Letter of Agency

A GUIDE TO THE FUNDING COMMITMENT REPORT

A report for each funding request in your application is attached to this letter. We are providing the following definitions for the items in that report.

FORM 471 APPLICATION NUMBER: The unique identifier assigned to a Form 471 application by USAC.

FUNDING REQUEST NUMBER (FRN): A Funding Request Number is assigned by USAC to each Block 5 of your Form 471. This number is used to report to applicants and service providers the status of individual funding requests submitted.

FUNDING STATUS: Each FRN will have one of the following statuses:

1. "Funded" - the FRN is approved for support. The funding level will generally be the level requested unless USAC determined during the application review process that some adjustment is appropriate.
2. "Not Funded" - the FRN is one for which no funds were committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funding available for the Funding Year was insufficient to fund all requests.
3. "As Yet Unfunded" - a temporary status assigned to an FRN when USAC is uncertain at the time the letter is sent about whether sufficient funds exist to make commitments for requests for Internal Connections Other than Basic Maintenance or Basic Maintenance of Internal Connections at a particular discount level. For example, if your application included requests for discounts on both Telecommunications Services and Internal Connections, you might receive a letter with funding commitments for your Telecommunications Services funding requests and with an "As Yet Unfunded" status on your Internal Connections requests. You would receive one or more subsequent letters regarding the funding decisions on your Internal Connections requests.

CATEGORY OF SERVICE: The type of service ordered from the service provider, as shown on your Form 471.

FORM 470 APPLICATION NUMBER: The Form 470 Application Number associated with this FRN from Block 5, Item 12 of the Form 471.

SPIN (Service Provider Identification Number): A unique number assigned by USAC to service providers seeking payment from the Universal Service Fund Programs. A SPIN is also used to verify delivery of services and to arrange for payment.

SERVICE PROVIDER NAME: The legal name of the service provider.

CONTRACT NUMBER: The number of the contract between the eligible party and the service provider, if a contract number was provided on your Form 471.

BILLING ACCOUNT NUMBER: The account number that your service provider has established with you for billing purposes, if a Billing Account Number was provided on your Form 471.

SERVICE START DATE: The Service Start Date for this FRN from Block 5, Item 19 of your Form 471.

CONTRACT EXPIRATION DATE: The Contract Expiration Date for this FRN from Block 5, Item 20b of your Form 471, if a contract expiration date was provided on your Form 471.

SITE IDENTIFIER: The Entity Number listed in Form 471, Block 5, Item 22a for "site specific" FRNs only.

NUMBER OF MONTHS RECURRING SERVICE PROVIDED IN FUNDING YEAR: The number of months of service that has been approved for the funding year, for recurring services.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE RECURRING CHARGES: Eligible monthly pre-discount amount approved for recurring charges multiplied by number of months of recurring service approved for the funding year.

ANNUAL PRE-DISCOUNT AMOUNT FOR ELIGIBLE NON-RECURRING CHARGES: Annual eligible non-recurring charges approved for the funding year.

PRE-DISCOUNT AMOUNT: Amount in Form 471, Block 5, Item 23I, as determined through the application review process.

DISCOUNT PERCENTAGE APPROVED BY USAC: The discount rate that USAC approved for this service.

FUNDING COMMITMENT DECISION: The total amount of funding that USAC has reserved to reimburse your service provider for the approved discounts for this service for this funding year. It is important that both you and your service provider recognize that USAC should be invoiced and that disbursement of funds will be made only for eligible, approved services actually rendered.

FUNDING COMMITMENT DECISION EXPLANATION: This entry provides an explanation of the amount in the "Funding Commitment Decision."

FCDL DATE: The date of this Funding Commitment Decision Letter (FCDL).

WAVE NUMBER: The wave number assigned to FCDLs issued on this date.

LAST ALLOWABLE DATE FOR DELIVERY AND INSTALLATION FOR NON-RECURRING SERVICES: The last date approved by the FCC for delivery and installation of eligible non-recurring services (e.g., equipment). (The last allowable date for delivery and installation of recurring services is always the last day of the fund year, that is, June 30, 2007 for Funding Year 2006.)

FUNDING COMMITMENT REPORT
Billed Entity Name: ALLIANCE FOR COLLEGE-READY PUBLIC SCHOOLS
BEN: 16028461
Funding Year: 2006

Form 471 Application Number: 533112
Funding Request Number: 1482663
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 605620000573700
SPIN: 143020136
Service Provider Name: U.S. TelePacific Corp
Contract Number: ACRPS-Telepacific
Billing Account Number: (213) 943-4919
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2009
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$90,778.80
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$90,778.80
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Consortium
Funding Commitment Decision Explanation: Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not cover the current funding year.

FCDL Date: 08/15/2006

Wave Number: 017

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

Funding Request Number: 1483054
Funding Status: Not Funded
Category of Service: Telecommunications Service
Form 470 Application Number: 605620000573700
SPIN: 143006742
Service Provider Name: Sprint Spectrum, L.P.
Contract Number: MTM
Billing Account Number: 0560718583-4
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$156,135.60
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$156,135.60
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Consortium
Funding Commitment Decision Explanation: Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not cover the current funding year.

FCDL Date: 08/15/2006

Wave Number: 017

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007

FUNDING COMMITMENT REPORT
Billed Entity Name: ALLIANCE FOR COLLEGE-READY PUBLIC SCHOOLS
BEN: 16028461
Funding Year: 2006

Form 471 Application Number: 533112
Funding Request Number: 1483209
Funding Status: Not Funded
Category of Service: Internet Access
Form 470 Application Number: 605620000573700
SPIN: 143024051
Service Provider Name: Gaggle.net, Inc.
Contract Number: 214088
Billing Account Number: 213-943-4919
Service Start Date: 07/01/2006
Contract Expiration Date: 06/30/2007
Number of Months Recurring Service Provided in Funding Year: 12
Annual Pre-discount Amount for Eligible Recurring Charges: \$4,425.00
Annual Pre-discount Amount for Eligible Non-recurring Charges: \$.00
Pre-discount Amount: \$4,425.00
Discount Percentage Approved by the USAC: N/A
Funding Commitment Decision: \$0.00 - Consortium
Funding Commitment Decision Explanation: Funding was denied because a substantial number of the Letters of Agency or other documentation authorizing the filing of the Form 471 did not cover the current funding year.

FCDL Date: 08/15/2006

Wave Number: 017

Last Allowable Date for Delivery and Installation for Non-Recurring Services: 09/30/2007



The Alliance for College-Ready Public Schools

ACRPS Heritage Academy High School

603 115th Street

Los Angeles, CA 90061

TO: Alliance for College-Ready Public Schools Consortium

Re: Letter of Agency For All Funding Years

This is to confirm our participation in the Alliance for College-Ready Public Schools Consortium [ACRPS-Consortium] E-rate Consortium for the procurement of all eligible services. I hereby authorize ACRPS-Consortium to submit FCC Form 470, FCC Form 471, and other E-rate forms to the Schools and Libraries Division of the Universal Service Administrative Company on behalf of the **ACRPS Heritage Academy HS**. I understand that, in submitting these forms on our behalf, you are making certifications for **ACRPS Heritage Academy HS**. By signing this Letter of Agency, I make the following certifications:

(a) I certify that our school is a schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. §§ 7801(18) and (38), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million.

(b) I certify that our school has/have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that to the extent that the Billed Entity is passing through the non-discounted charges for the services requested under this Letter of Agency, that the entities I represent have secured access to all of the resources to pay the non-discounted charges for eligible services from funds to which access has been secured in the current funding year.

(c) I certify that our school is/are covered by a technology plan(s) that is written, that covers all 12 months of the funding year, and that has been or will be approved by a state or other authorized body, or an SLD-certified technology plan approver, prior to the commencement of service. The plan(s) is written at the following level(s): ____ an individual technology plan for using the services requested in this application; and/or ☒ higher-level technology plan(s) for using the services requested in this application; or ____ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

(d) I certify that the services the school, library or district purchases at discounts provided by 47 U.S.C. § 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the rules of the Federal Communications Commission (Commission or FCC) at 47 C.F.R. § 54.500(et seq.).

(e) I certify that our school has complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.

(f) I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.

(g) I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

(h) I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) covered by this Letter of Agency. I certify that I am authorized to make this request on behalf of the eligible entity(ies) covered by this Letter of Agency, that I have examined this Letter, that all of the



The Alliance for College-Ready Public Schools

ACRPS Heritage Academy High School
603 115th Street
Los Angeles, CA 90061

information on this Letter is true and correct to the best of my knowledge, that the entities that will be receiving discounted services under this Letter pursuant to this application have complied with the terms, conditions and purposes of the program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001 and civil violations of the False Claims Act.

(i) I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities, or any person associated in any way with my entity and/or the entities, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.

(j) I certify, on behalf of the entities covered by this Letter of Agency, that any funding requests for internal connections services, except basic maintenance services, applied for in the resulting FCC Form 471 application are not in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. § 54.506(c).

(k) I certify that, to the best of my knowledge, the non-discount portion of the costs for eligible services will not be paid by the service provider. I acknowledge that the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

(l) I certify that I am authorized to sign this Letter of Agency and, to the best of my knowledge, information, and belief, all information provided to ACRPS-Consortium for E-rate submission is true.

ACRPS Consortium
BEN #: 16035072

Parker Hudnut
Chief Operating Officer
Date: 12/8/2005

FCC Form 471

Do not write in this area.

Approval by OMB
3060-0806

Schools and Libraries Universal Service
Description of Services Ordered and Certification Form 471
 Estimated Average Burden Hours per Response: 4 hours

This form asks schools and libraries to list the eligible telecommunications-related services they have ordered and estimate the annual charges for them so that the Fund Administrator can set aside sufficient support to reimburse providers for services.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org.)

The instructions include information on the deadlines for filing this application.

Applicant's Form Identifier

(Create your own code to identify THIS form 471) laal471y9tc

Form 471 Application#

(To be assigned by administrator)

533112

Block 1: Billed Entity Information (The "Billed Entity" is the entity paying the bills for the service listed on this form.)

1 a	Name of Billed Entity	ALLIANCE FOR COLLEGE-READY PUBLIC SCHOOLS	
2 a	Funding Year: July 1,	2006 Through June 30: 2007	Billed Entity Number: 16028461
4 a	Street Address, P.O. Box, or Routing Number	523 WEST 6TH STREET SUITE 1234	
	City	LOS ANGELES	
	State	CA	Zip Code 90014
b	Telephone Number	213-943-4930	c Fax Number --
5 a	Type of Application	<input type="checkbox"/> Individual School (individual public or non-public school) <input type="checkbox"/> School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools) <input type="checkbox"/> Library (including library system, library outlet/branch or library consortium as defined under LSTA) <input checked="" type="checkbox"/> Consortium <input type="checkbox"/> Check here if any members of this consortium are ineligible or non-governmental entities	
6	Contact Person's Name	Parker Hudnut	

First, if the Contact Person's Street Address is the same as in Item 4, check this box. ☐ If not, please complete the entries for the Street Address below.

b	Street Address, P.O. Box, or Routing Number	523 WEST 6TH STREET SUITE 1234	
	City	LOS ANGELES	
	State	CA	Zip Code 90014
<input type="checkbox"/> c	Telephone Number	213-943-4930	<input type="checkbox"/> d Fax Number 866-801-8667
<input checked="" type="checkbox"/> e	E-mail Address	erate.laal@learningtech.org	
f	Holiday/vacation/summer contact information	Mark Miller or Don Peck 650-598-0105, same email	



Entity Number	<u>16028461</u>	Applicant's Form Identifier	<u>laal471y9tc</u>
Contact Person	<u>Parker Hudnut</u>	Phone Number	<u>213-943-4930</u>

This information will facilitate the processing of your applications. Please complete all rows that apply to services for which you are requesting discounts. Complete this information on the FIRST Form 471 you file, to encompass this and all other Forms 471 you will file for this funding year. You need not complete this information on subsequent Forms 471. Provide your best estimates for the services ordered across ALL of your Forms 471.

Schools/school districts complete Item 7. Libraries complete Item 8. Consortia complete Item 7 and/or Item 8.

Block 2: Impact of Services Ordered on Schools

IF THIS APPLICATION INCLUDES SCHOOLS...		BEFORE ORDER	AFTER ORDER
7a	Number of students to be served		1152
b	Telephone service: Number of classrooms with phone service	0	0
d	Direct broadband services: Number of buildings served at the following speeds: Between 10 mbps and 200 mbps	3	10
e	Direct connections to the Internet: Number of drops	78	234
f	Number of classrooms with Internet access	34	91
g	Number of computers or other devices with Internet access	110	300

Block 3: Impact of Services Ordered on Libraries

IF THIS APPLICATION INCLUDES LIBRARIES...		BEFORE ORDER	AFTER ORDER
7a	Number of students to be served		
NO DATA			

Worksheet C No: 809122

Entity Count: 10

Sum. Discount (Sum. Column 3): 900%

Shared Discount: 90%

1. School Name: ALLIANCE FOR COLLEGE-READY PUBLIC SCHOOLS/MAIN OFFICE/ADMIN

2. Entity Number: 16028462

3. Discount: 90%

1. School Name: COLLEGE READY MIDDLE ACADEMY

2. Entity Number: 16028602

3. Discount: 90%

1. School Name: COLLEGE-READY ACADEMY HIGH SCHOOL

2. Entity Number: 16028463

3. Discount: 90%

1. School Name: COLLEGE-READY ACADEMY HIGH SCHOOL #4

2. Entity Number: 16035075

3. Discount: 90%

1. School Name: COLLEGE-READY ACADEMY HIGH SCHOOL #5

2. Entity Number: 16035077 **3. Discount:** 90%

1. School Name: COLLEGE-READY ACADEMY HIGH SCHOOL #6
2. Entity Number: 16035078 **3. Discount:** 90%

1. School Name: COLLEGE-READY MIDDLE ACADEMY #2
2. Entity Number: 16035080 **3. Discount:** 90%

1. School Name: HERTIAGE COLLEGE-READY ACADEMY HIGH SCHOOL #3
2. Entity Number: 16035072 **3. Discount:** 90%

1. School Name: HUNTINGTON PARK COLLEGE READY ACADEMY HIGH SCHOOL
2. Entity Number: 16028603 **3. Discount:** 90%

1. School Name: MATH AND SCIENCE SCHOOL
2. Entity Number: 16035082 **3. Discount:** 90%

Block 5: Discount Funding Request(s)

FRN: 1482663 FCDL Date:	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 605620000573700
13. SPIN: 143020136	14. Service Provider Name: U.S. TelePacific Corp dba TelePacific Communications
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: ACRPS-Telepacific
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: (213) 943-4919	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 02/06/2006	18. Contract Award Date: 02/16/2006
19a. Service Start Date: 07/01/2006	19b. Service End Date:
20. Contract Expiration Date: 06/30/2009	
21. Attachment #: ACRPS-Telep-TC-Y9	22. Block 4 Worksheet No.: 809122
23a. Monthly Charges: \$7,564.90	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$7,564.90	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$90,778.80	
23f. Annual non-recurring (one-time) charges: \$.00	23g. Ineligible non-recurring amt.: \$.00
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$90,778.80	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$81,700.92	

FRN: 1483054 FCDL Date:	
10. Original FRN:	
11. Category of Service: Telecommunications Service	12. 470 Application Number: 605620000573700
13. SPIN: 143006742	14. Service Provider Name: Sprint Spectrum, L.P.
15a. Non-Contracted tariffed/Month to Month Service: Y	15b. Contract Number: MTM
15c. Covered under State Master Contract: Y	15d. FRN from Previous Year:
16a. Billing Account Number: 0560718583-4	16b. Multiple Billing Account Numbers?:

17. Allowable Contract Date: 02/06/2006	18. Contract Award Date:
19a. Service Start Date: 07/01/2006	19b. Service End Date: 06/30/2007
20. Contract Expiration Date:	
21. Attachment #: ACRPS-Sprint-TC-Y9	22. Block 4 Worksheet No.: 809122
23a. Monthly Charges: \$13,011.30	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$13,011.30	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$156,135.60	
23f. Annual non-recurring (one-time) charges: \$.00	23g. Ineligible non-recurring amt.: \$.00
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$156,135.60	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$140,522.04	

FRN: 1483209 FCDL Date:	
10. Original FRN:	
11. Category of Service: Internet Access	12. 470 Application Number: 605620000573700
13. SPIN: 143024051	14. Service Provider Name: Gaggles.net, Inc.
15a. Non-Contracted tariffed/Month to Month Service:	15b. Contract Number: 214088
15c. Covered under State Master Contract:	15d. FRN from Previous Year:
16a. Billing Account Number: 213-943-4919	16b. Multiple Billing Account Numbers?:
17. Allowable Contract Date: 02/06/2006	18. Contract Award Date: 02/16/2006
19a. Service Start Date: 07/01/2006	19b. Service End Date:
20. Contract Expiration Date: 06/30/2007	
21. Attachment #: ACRPS-Gaggles-Y9	22. Block 4 Worksheet No.: 809122
23a. Monthly Charges: \$368.75	23b. Ineligible monthly amt.: \$.00
23c. Eligible monthly amt.: \$368.75	23d. Number of months of service: 12
23e. Annual pre-discount amount for eligible recurring charges (23c x 23d): \$4,425.00	
23f. Annual non-recurring (one-time) charges: \$.00	23g. Ineligible non-recurring amt.: \$.00
23h. Annual pre-discount amount for eligible non-recurring charges (23f - 23g): \$0.00	
23i. Total program year pre-discount amount (23e + 23h): \$4,425.00	
23j. % discount (from Block 4): 90	
23k. Funding Commitment Request (23i x 23j): \$3,982.50	

Block 6: Certifications and Signature

Do not write in this area.

Application ID:533112

Entity Number	<u>16028461</u>	Applicant's Form Identifier	<u>laal471y9tc</u>
Contact Person	<u>Parker Hudnut</u>	Phone Number	<u>213-943-4930</u>

Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)

- a. ☒ **Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities

25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23I on all Block 5 Discount Funding Requests.)	\$251,339.40
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$226,205.46
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$25,133.94
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$566,273.06
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$591,407.00
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):

- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.

29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date

40. Printed name of authorized person
Parker Hudnut41. Title or position of authorized person
Chief Operations Officer

42a. Street Address, P.O Box or Route Number

523 West 6th Street
Suite 1234
City, State Zip Code
Los Angeles, CA 90014

42b. Telephone number of authorized person:

(213) 943-4930

42c. Fax number of authorized person:

(866) 801-8667

42d. E-mail of authorized person:

erate.laal@learningtech.org

42e Name of authorized person's employer

Alliance for College-Ready Public Schools

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 471
P.O. Box 7026

Lawrence, Kansas 66044-7026

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046
(888) 203-8100**

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